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Examiner: Kevin Truong

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AMENDMENTS TO THE CLAIMS

1-6. (Cancelled).

7. (Currently Amended) In combination, a plurality of dilators and a non cannulated dilator, for use in performing minimal invasive surgery, each of said plurality of dilators having a straight through bore and dimensioned to complement the preceding dilator of said plurality of dilators for fitting over the next preceding dilator of said plurality of dilators for insertion into an access hole formed in a patient for parting the tissue adjacent to the access hole so as to enlarge the surgical plane, said non cannulated dilator having an elongated solid body configured to fit into the straight through bore of the dilator of said plurality of dilators with the smallest diameter of the straight through bore, said elongated solid body being rigid and the diameter of said elongated solid body being greater than one and a half millimeters, and said elongated solid body includes indicia indicative of a graduated scale whereby the depth of the insertion is measured.

8. (Original) A non cannulated dilator as claimed in claim 7 wherein the diameter of said solid body is substantially equal to five millimeters.

9. (Previously Presented) A non cannulated dilator as claimed in claim 7 including a tool portion at the proximal end of said elongated solid body.

10. (Cancelled).

11. (Original) A non cannulated dilator as claimed in claim 9 wherein said elongated solid body is cylindrical in shape.